IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

| WRR INDUSTRIES, | § - |
|------------------------------------|-----------------------------------|
| Plaintiff, | § |
| | § |
| v. | § |
| | § |
| PROLOGIS, a Real Estate Investment | § |
| Trust Company, | § |
| Defendant, | § CIVIL ACTION NO. 3-04-CV-2544-L |
| | § |
| HBP-AERODYNE, LLC, | § |
| Intervenor Defendant | § |
| | § |
| And | § |
| | § |
| AERODYNE CORPORATION, | § |
| Defendant. | § |

JOINT MOTION OF WRR INDUSTRIES, INC. AND PROLOGIS TO DISMISS WITH PREJUDICE

TO THE HONORABLE SAM LINDSAY, UNITED STATES DISTRICT JUDGE:

ProLogis and WRR Industries, Inc. ("WRR") file this Joint Motion Dismiss and respectfully show:

The parties have comprised and settled the disputes between them and have entered into a written settlement agreement.

The parties desire to dismiss this suit with prejudice only as to their claims against one another without affecting WRR's claims or defenses against HBP-Aerodyne, LLC, or Aerodyne Corporation, or HBP-Aerodyne, LLC's claims or defenses against WRR.

ProLogis stipulates to such dismissal with prejudice of its claims against WRR. WRR stipulates to such dismissal with prejudice of its claims against ProLogis.

ProLogis also relinquishes any claim by ProLogis to any bond monies on deposit with the Court.

WHEREFORE, ProLogis and WRR request that the Court render an order dismissing WRR's claims against ProLogis with prejudice to refile and dismissing ProLogis's claims against WRR with prejudice to refile. The parties request that the Court sever these claims from the remainder of the case so that the order only as to ProLogis's and WRR's claims and defenses will become final. ProLogis and WRR request such other relief to which they may show themselves entitled.

Respectfully submitted,

McGINNIS, LOCHRIDGE & KILGORE, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on September <u>6</u>, 2006, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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> /s Brian S. Engel Brian S. Engel